

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TELECORP)	
COMMUNICATIONS, INC., A DELAWARE)	
CORPORATION, FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A PERSONAL)	CASE NO.
COMMUNICATIONS SERVICES FACILITY AT 2250)	2000-297-UAC
SOUTH GREEN STREET (60), HENDERSON,)	
HENDERSON COUNTY, KENTUCKY IN THE 135)	
BASIC TRADING AREA)	

O R D E R

On June 16, 2000, TeleCorp Communications, Inc. ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 2250 South Green Street (60), Henderson, Henderson County, Kentucky. On September 12, 2000, Applicant amended the application to change the tower location by approximately 40 feet to satisfy the concerns of Lin-Gas, Inc. The amended coordinates for the proposed facility are North Latitude 37° 48' 13.0" by West Longitude 87° 38' 06.2".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the local planning commission of the proposed construction. To date, no comments have been filed by the local planning unit. The Applicant has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. The FAA application has been approved, while the KAZC is pending.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. Thomas J. Link of Lin-Gas, Inc., wrote a letter in objection to the proposed cell tower. He later withdrew his objection because the tower location was altered by approximately 40 feet. Moreover, there were no additional property owners within 500 feet of the new location.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to

provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 2250 South Green Street (60), Henderson, Henderson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 48' 13.0" by West Longitude 87° 38' 06.2".

2. The Applicant shall file a copy of the final decision regarding its pending KAZC application for the proposed construction within 10 days of receiving this decision.

3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 3rd day of October, 2000.

By the Commission

ATTEST:

Wm H. Fowler
Deputy Executive Director